

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

File No. 1:03-CR-217

v.

HON. ROBERT HOLMES BELL

ELENA SZILVAGYI,

Defendant.

\_\_\_\_\_ /

**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Defendant Elena Szilvagyí's objection to the First Amended Writ of Execution. Defendant requests that her engagement ring be exempted from the execution of the writ and also seeks a transfer of the hearing on her objection to the United States District Court for the Eastern District of Kentucky, where she is currently incarcerated. Because Defendant's objection is meritless, no hearing is necessary and her request is denied.

On February 10, 2004, Defendant pled guilty to conspiracy to commit health care fraud and mail fraud in violation of 18 U.S.C. § 371. Defendant was sentenced to 48 months imprisonment followed by 3 years supervised release, restitution in the amount of \$865,645, and a \$100,000 fine. Defendant is currently appealing her sentence to the Sixth Circuit Court of Appeals. On February 22, 2005, the Court issued the First Amended Writ of Execution as requested by the Government in order to collect the fine and restitution order entered in

this case. According to the Government, the United States Marshal Service executed the writ and seized the following property: 1) a wooden box, with display pillow containing an emblem; 2) a watch; 3) a man's ring; and 4) a framed limited edition lithograph.

On July 5, 2005, Defendant filed a letter with the Court stating that she received the First Amended Writ of Execution and Clerk's Notice of Post-Judgment Execution. She also claimed as exempt her engagement ring. Based upon the Government's representation, it appears that the U.S. Marshal's Service did not seize a woman's engagement ring. Moreover, Defendant has failed to establish any basis for exempting her engagement ring from seizure. It appears that Defendant's jewelry is not within any of the enumerated exemptions. *See* 18 U.S.C. § 3613 (providing that a judgment may be enforced against all property except property exempt from levy for taxes under 26 U.S.C. § 6334(a)(1)-(8), (10), (12)). Therefore, Defendant's objection is meritless and does not require a hearing. Accordingly,

**IT IS HEREBY ORDERED** that Defendant's objection to the First Amended Writ of Execution (Docket #173) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant's request to transfer the hearing on her objection is **DENIED** as moot.

Date: August 23, 2005

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE